

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Diane Cecilia Vavreck
Debtor(s)

Bankruptcy Case No.: 15-11295-TPA
Per July 21, 2016 Proceeding
Chapter: 13
Docket No.: 46 – 17, 26
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated December 28, 2015 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,065.00 as of j. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: July 14, 2016

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Diane Cecilia Vavreck
 Debtor

Case No. 15-11295-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: vson
 Form ID: 149

Page 1 of 2
 Total Noticed: 46

Date Rcvd: Jul 14, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 16, 2016.

db
 14156514 +Diane Cecilia Vavreck, 1948 West 34th Street, Erie, PA 16508-2008
 14156515 +Apothaker & Associates PC, 520 Fellowship Road, C306, Mount Laurel, NJ 08054-3410
 +Bank of America, c/of Law Offices of Frederic I. Weinberg, 375 E. Elm Street, Suite 210, Conshohocken, PA 19428-1973
 14216530 CAPITAL ONE, N.A., C/O BECKETT AND LEE LLP, PO BOX 3001, MALVERN, PA 19355-0701
 14156516 +Chase, P.O. Box 15298, Wilmington, DE 19850-5298
 14156517 +Commonwealth Financial Systems, 245 Main Street, Dickson City, PA 18519-1641
 14156520 ERC, P.O. Box 23870, Jacksonville, FL 32241-3870
 14148284 +FIA Card Services, 655 Papermill Road, Newark, DE 19711-7500
 14156523 +FNB Omaha, P.O. Box 3412, Omaha, NE 68103-0412
 14156521 Finger Hut, P.O. Box 166, Newark, NJ 07101-0166
 14163645 +First National Bank of Omaha, 1620 Dodge Street, Stop Code 3105, Omaha, NE 68197-0003
 14156522 +First National Collection Bureau, Inc., 610 Waltham Way, Sparks, NV 89434-6695
 14156524 Furniture Row, c/of Asset Recovery Solutions LLC, 2200 E. Devon Avenue, Suite 200, Des Plaines, IL 60018-4501
 14156525 +Greg L. Morris, Esquire, Patenaude & Felix APC, 213 E. Main Street, Carnegie, PA 15106-2701
 14156529 +J.P. Morgan Chase Bank N.A., P.O. Box 8000, Monroe, LA 71211-8000
 14234292 +JPMorgan Chase Bank, National Association, c/o Chase Records Center, Attn: Correspondence Mail, Mail Code LA4-5555, 700 Kansas Lane, Monroe, LA 71203-4774
 14156530 +Jeff Swanseger, 1316 West 42nd Street, Erie, PA 16509-1202
 14156531 +Jennifer Vavreck, 5449 Glenwood Park Avenue, Erie, PA 16509-3223
 14156533 +NY Life, P.O. Box 6916, Cleveland, OH 44101-1916
 14156534 NY Life Visa, First Bankcard, P.O. Box 2557, Omaha, NE 68103-2557
 14156535 +Phillips & Cohen Associates Ltd., 258 Chapman Road, Suite 205, Newark, DE 19702-5444
 14156536 +Sentry Credit, Inc., 2809 Grand Avenue, Everett, WA 98201-3417
 14156537 Target Card Services, P.O. Box 660170, Dallas, TX 75266-0170
 14156538 +Target National Bank, c/of Patenaude & Felix APC, 213 East Main Street, Carnegie, PA 15106-2701
 14156540 +The Law Offices of Frederic I. Weinberg, 375 E. Elm Street, Suite 210, Conshohocken, PA 19428-1973
 14156541 +Verizon Wireless, Bankruptcy Administration, 500 Technology Drive, Suite 550, Weldon Spring, MO 63304-2225
 14156544 +Washington Mutual Bank, 2000 Oxford Drive, Bethel Park, PA 15102-1827
 14156543 +Washington Mutual Bank, c/of ACS Image Solutions, 12691 Pala Drive, Garden Grove, CA 92841-3936
 14156542 +Washington Mutual Bank, 400 East Main Street, Stockton, CA 95202-3000

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr
 +E-mail/Text: ally@ebn.phinsolutions.com Jul 15 2016 00:59:17
 Ally Financial serviced by Ally Servicing, LLC, PO Box 130424, Roseville, MN 55113-0004
 cr
 E-mail/PDF: rmscedi@recoverycorp.com Jul 15 2016 01:14:39
 Recovery Management Systems Corporation, 25 S.E. Second Avenue, Suite 1120, Miami, FL 33131-1605
 14156527 E-mail/Text: ebnbankruptcy@ahm.honda.com Jul 15 2016 00:59:54 Honda Financial Services, P.O. Box 168088, Irving, TX 75016-8088
 14156526 E-mail/Text: ebnbankruptcy@ahm.honda.com Jul 15 2016 00:59:54 Honda Financial Services, P.O. Box 7829, Philadelphia, PA 19101-7829
 14156748 E-mail/Text: ebnbankruptcy@ahm.honda.com Jul 15 2016 00:59:54 American Honda Finance Corporation, National Bankruptcy Center, P.O. Box 168088, Irving, TX 75016-8088, 866-716-6441
 14156512 +E-mail/Text: ally@ebn.phinsolutions.com Jul 15 2016 00:59:17 Ally Financial, Payment Processing Center, P.O. Box 9001951, Louisville, KY 40290-1951
 14173055 E-mail/Text: ally@ebn.phinsolutions.com Jul 15 2016 00:59:17 Ally Financial, PO Box 130424, Roseville MN 55113-0004
 14156511 +E-mail/Text: ally@ebn.phinsolutions.com Jul 15 2016 00:59:17 Ally Financial, 200 Renaissance Center, Detroit, MI 48243-1300
 14156513 +E-mail/Text: ebnbankruptcy@ahm.honda.com Jul 15 2016 00:59:54 American Honda Finance Company, 20800 Madrona Avenue, Torrance, CA 90503-4915
 14156518 E-mail/Text: mrdiscen@discover.com Jul 15 2016 00:59:18 Discover Bank, P.O. Box 71084, Charlotte, NC 28272-1084
 14153903 E-mail/Text: mrdiscen@discover.com Jul 15 2016 00:59:18 Discover Bank, Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 14156519 +E-mail/Text: bankruptcynotices@dcicollect.com Jul 15 2016 01:00:09 Diversified Consultant, 10550 Deerwood Park Blvd., Jacksonville, FL 32256-0596
 14156532 E-mail/Text: bnckohlsnotices@becket-lee.com Jul 15 2016 00:59:23 Kohl's, Payment Center, P.O. Box 2983, Milwaukee, WI 53201-2983
 14191782 E-mail/Text: bnc-quantum@quantum3group.com Jul 15 2016 00:59:33 Quantum3 Group LLC as agent for, Sadino Funding LLC, PO Box 788, Kirkland, WA 98083-0788
 14186218 E-mail/PDF: rmscedi@recoverycorp.com Jul 15 2016 01:14:38 Recovery Management Systems Corporation, 25 S.E. 2nd Avenue, Suite 1120, Miami, FL 33131-1605

District/off: 0315-1

User: vson
Form ID: 149

Page 2 of 2
Total Noticed: 46

Date Rcvd: Jul 14, 2016

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

14156536 +E-mail/Text: compliance@sentrycredit.com Jul 15 2016 01:00:17 Sentry Credit, Inc.,
2809 Grand Avenue, Everett, WA 98201-3417
14174135 +E-mail/Text: bncmail@w-legal.com Jul 15 2016 00:59:54 TD BANK USA, N.A.,
C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
14156545 +E-mail/Text: fhbankruptcy@bluestembrands.com Jul 15 2016 01:00:11
WebBank Fingerhut Credit Account Service, 6250 Ridgewood Road, St. Cloud, MN 56303-0820
TOTAL: 18

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr JPMorgan Chase Bank, National Association
14156528 ##+J.P. Morgan Chase Bank, 2210 Enterprise Drive, Florence, SC 29501-1109
14156539 ##+The Bureaus, Inc., 1717 Central Street, Evanston, IL 60201-1507

TOTALS: 1, * 0, ## 2

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 16, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 14, 2016 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor JPMorgan Chase Bank, National Association
agornall@goldbecklaw.com, bkgroup@goldbecklaw.com; bkgroup@kmlawgroup.com
John F. Kroto on behalf of Creditor Ally Financial serviced by Ally Servicing, LLC
jkroto@kmgslaw.com, knoxbank@hotmail.com, mwernicki@kmgslaw.com, burban@kmgslaw.com,
nlambert@kmgslaw.com
Michael S. Jan Janin on behalf of Debtor Diane Cecilia Vavreck mjanjanin@quinnfirm.com,
knottingham@quinnfirm.com; mboni@quinnfirm.com; mgleba@quinnfirm.com; mmbquinnbankruptcy@gmail.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 5